

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 17, 2006. At the time of the Office Action, Claims 1, 3-9, 11-18, 20-25, and 45-48 were pending in the Application. The Examiner rejected Claims 1, 3-7, 9, 11-17, 24, and 45-48. Applicant has amended Claims 1, 5-9, 13, 17-18, 22-25, and 45-48 and has added a new claim, Claim 49. Applicant further requests reconsideration and favorable action in this case.

Allowable Subject Matter

Claims 8 and 25 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates the indication by the Examiner that Claims 8 and 25 are directed to allowable subject matter.

Claims 8 and 25 have been rewritten into independent form. Therefore, Applicant respectfully contends that Claims 8 and 25 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3-5, 7, 9, 11, 12, 13, 17, 24, and 45- 48 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,710,591 issued to Bruno et al. (“*Bruno*”), in view of Cohen et al., “Virtual Gain for Audio Windows,” IEEE 1993 (“*Cohen*”). Claims 6 and 14-16 are rejected under *Bruno* and *Cohen* in further view of U.S. Patent No. 5,764,750 issued to Chau et al. (“*Chau*”). Applicant respectfully traverses these rejections for the reasons stated below.

Claim 1, as amended, is directed to an audio conference server with means operable to manage at least one audio conference among a plurality of audio clients. Specifically, the audio conference server has means operable to (1) receive real-time audio data from audio clients; (2) mix the real-time audio data and stored audio data (associated with at least one point source) into spatialized audio data; and (3) deliver the spatialized audio data to one or more of the plurality of audio clients. Neither *Bruno* nor *Cohen*, alone or in combination, disclose, teach, or suggest each of these limitations.

For example, Claim 1 includes “mixing means operable to mix the real-time audio data and stored audio data . . . into spatialized audio data.” Nowhere does *Bruno* or *Cohen*, alone or in combination disclose, teach, or suggest mixing means operable to mix “real-time audio data and stored audio data . . . into spatialized audio data” as required by Claim 1. Insofar as either *Bruno* or *Cohen* address audio conferencing, the discussion of audio data is limited to “live or recorded” audio data. See *Cohen*, § 0.1, ¶ 2 (emphasis added); *see also, Bruno*, abstract (discussing a system for recording and indexing audio and/or video information exchanged between participants in a conference call).

Similar to Claim 1, each of Claim 9, Claim 17, Claim 18, Claim 45, Claim 46, Claim 47, and Claim 48 include limitations generally directed to mixing real-time audio data and stored audio data associated with at least one point source into spatialized audio data. As discussed above with regard to Claim 1, these limitations are not disclosed, taught, or suggested by *Bruno* or *Cohen*, alone or in combination. For at least these reasons, Applicant respectfully contends that Claim 1, Claim 9, Claim 17, Claim 18, Claim 45, Claim 46, Claim 47, and Claim 48 are in condition for allowance.

Claim 6 discusses an “audio conference server shell including . . . means for providing program access to methods for creating and managing a plurality of point source audio clients. . . .” The Office Action admits that neither *Bruno* nor *Cohen*, teach these limitations, but states that U.S. Pat. No. 5,764,750 to Chau et al. (“*Chau*”) discloses an audio conference server shell including means to manage a plurality of point sources. See *Office Action*, page 6. Applicant respectfully disagrees. The cited portions of *Chau* disclose “an interface . . . that transfers ISDN control signals and user communications between the LAN (1936) and the telephone switching fabric” See *Chau*, Abstract. An “interface” that transfers “ISDN control signals” and “user communications” does not disclose, teach, or suggest “an audio conference server shell including means to manage a plurality of point source audio clients” as required by Claim 6.

Claims 3-5, & 49, Claims 11-16, Claims 20-22, and Claim 23 each depend, either directly or indirectly, from Claim 1, Claim 9, Claim 17, and Claim 18 respectively. Therefore, Applicant respectfully contends that Claims 3-5, & 49, Claims 11-16, Claims 20-22, and Claim 23 are each patentably distinguishable from the references cited by the Examiner at least for the same reasons discussed above with regard to their respective base claims. Moreover, Applicant respectfully contends that *Chau* does not cure the deficiency in the teachings of *Bruno* and *Cohen*, discussed above with regard to their base claims.

Claim Amendments

Applicant respectfully contends that the amendments to Claim 1 are fully supported by the original specification. *See e.g.*, pages 6 and 16 of the Application as originally filed. Claims 9, 17, 18, 45, 46, 47, and 48 were similarly amended.

CONCLUSION

Applicant respectfully submits that this Application is in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant hereby takes an extension of time to accompany this Response for one month from January 17, 2007 to February 17, 2007.

With the conversion of dependent Claims 6, 8 and 25 to independent form, and the addition of dependent Claim 49, an additional filing fee of \$200.00 is due. The Commissioner is hereby authorized to charge the additional fee of \$200.00, the \$120.00 extension of time fee, and to the extent necessary, any additional fees or credit any overpayment to Deposit Account No. **02-0384** of Baker Botts L.L.P.

Respectfully submitted,
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